

PATENT

Atty Docket No.: 10017259-1
App. Ser. No.: 09/941,267

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1 and 3-27 are pending in the present application of which claims 1, 3 and 13 are independent.

Claims 1 and 3-27 are subject to an election of species requirement.

None of the pending claims were rejected over prior art.

Improper Election of Species Requirement

The election of species requirement indicated that of the pending claims 1 and 3-27, claims 1, 3, 4, and 7-27 appear to be generic. Thus, the only claims at issue are dependent claims 5 and 6.

The election requirement states:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, wherein the input device is an infrared keyboard operatively associated with the computer components in such a manner that an input from the keyboard is stored in the memory and displayable on the flat screen display (see for instance, claim 5; figure 1; and page 8, line 20 - page 9, line 12 of the specification).; and

Species II, wherein the input device is an infrared mouse operatively associated with the computer components in such a manner that an input from the mouse is stored in the memory and displayable on the flat screen display (see for instance, claim 6; figure 1; and page 8, line 20 - page 9, line 12 of the specification).

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Applicants are required to elect a single species for prosecution on the merits.

Accordingly, the Applicants elect with traverse species 1 directed to claims 1, 3-5 and 7-27.

The election is made with traverse, because it is believed that all of the species can be examined at the same time without serious burden. MPEP Section 803 states:

If the search and examination of all the claims in an application can be made without serious burden, the examiner MUST examine them on the merits, even though they include claims to independent or distinct inventions.

Clearly there is no burden to examine both species because, both claims 5 and 6, directed to species 1 and 2 respectively, have already been examined. Both claims 5 and 6 were examined in three previous office actions.

It is unclear why an election of species requirement, resulting in only a single dependent claim being non-elected, is set forth at this time in the prosecution of this application, especially given the fact that both claims 5 and 6 were examined in three previous office actions. The Applicants request that this improper election requirement be withdrawn and that examination on the merits of claims 1 and 3-27 continue so as to minimize any further delay in the prosecution of the application.

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: February 24, 2006

By



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